

# Notice of Allowability

Application No.

09/864,829

Examiner

Eric B. Kiss

Applicant(s)

WERME ET AL.

Art Unit

2192

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed September 9, 2006.
2. ☒ The allowed claim(s) is/are 38,39,41,44-63 and 66-72.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All ☐ Some\* ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material

5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date 20061107.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
TUAN DAM  
SUPERVISORY PATENT EXAMINER

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Gerhard W. Thielman (Reg. No. 43,186) on November 7, 2006.

2. The application has been amended as follows:

**IN THE CLAIMS**

**Please cancel claims 64 and 65.**

**Please amend claim 52 as follows:**

**Claim 52 (Currently amended)** A method for distributing application, system and network specification information to a resource allocation function that controls an N-plurality of hosts in a distributed environment, each host instantiating up to M managed characteristic applications, the resource allocation function communicating with an application control function, the method comprising:

providing instrumentation information to an N-plurality of quality-of-service (QoS) managers of the resource allocation function, the instrumentation information being associated with the N-plurality of hosts, the QoS managers being associated with the N-plurality of hosts;

preparing system specification files to describe system and network specification information;

linking the system specification files to the characteristic applications;

producing QoS information by the QoS managers based on the instrumentation information, the QoS information being associated with the characteristic applications on the N-plurality of hosts;

analyzing the instrumentation information and the system specification files by a resource manager of the resource allocation function;

Art Unit: 2192

allocating assigned hosts for processing the characteristic applications as control orders by the resource manager based on the QoS information, the assigned hosts being among the N-plurality of hosts; [[and]]

compiling commands for the respective characteristic applications by a program controller of the application control function to the assigned hosts based on the control orders and the QoS information; and

providing an application programming interface (API) that enables the QoS managers to access the specification information using API calls, wherein the API further comprises:

a parser file that defines grammar, the parser file being compiled using a yacc utility;

a lexical analyzer file that defines language tokens, the lexical analyzer file being compiler using a lex utility; and

a set of C++ System Specification classes for storing specification file information.

**--END OF AMENDMENT--**

Art Unit: 2192

3. The following is an examiner's statement of reasons for allowance:

The prior art of record fails to teach or fairly suggest specifically providing C++ classes for storing specification file information in the context of the API of claims 38, 52, and 59, when taken together with the resource allocation scheme defined by each of these claims.

4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

#### *Conclusion*

5. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Eric B. Kiss whose telephone number is (571) 272-3699. The Examiner can normally be reached on Tue. - Fri., 7:00 am - 4:30 pm. The Examiner can also be reached on alternate Mondays.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Tuan Dam, can be reached on (571) 272-3695. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Art Unit: 2192

Any inquiry of a general nature should be directed to the TC 2100 Group receptionist:

571-272-2100.

EBK /EBK  
November 7, 2006



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